IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CWP No.4612 of 2006(O&M)
Date of Decision: 15.09.2006

Joginder Singh and another

Petitioners

versus

State of Punjab and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MR. JUSTICE PRITAM PAL

Present: Shri Harsh Bunger, Advocate for the petitioners
Shri P.S.Chhina, Additional Advocate General, Punjab
Shri J.S.Bhandohal, Advocate for respondent No.6
Shri M.L.Saini, advocate for respondent Nos.7 to 9

Jasbir Singh, J. (Oral)

C.M. No.13196 of 2006

Application is allowed, document annexed with it is taken on record as Annexure P/6.

CWP No.4612 of 2006

The petitioners have placed on record the order Annexure P/6, vide which, the Collector, exercising the powers under Section 11 of the Punjab Village Common Lands (Regulations) Act, 1961 (in short the Act), has ordered the sale of the land, in dispute, in favour of respondent No.9.

Concededly, that order is appealable. It is apprehension of counsel for the petitioners that after having lost up to this Court, respondent Nos.6 to 9, on getting the order passed from the Collector, may raise construction over the property, in dispute. To allay this fear of the petitioners, an undertaking has been given by counsel for respondent Nos.6

to 9, that till such time appeal is filed and application for stay is decided by the appellate authority, under the Act, they shall not raise any construction over the property, in dispute.

This writ petition is disposed of with liberty to the petitioners to file an appeal against the order Annexure P/6. If any appeal is filed within three weeks from today alongwith an application for stay of operation of order Annexure P/6, respondent Nos.6 to 9 are restrained from raising any construction till that application is decided by the appellate authority. Counsel for respondent Nos.6 to 9 states that they shall not raise any objection regarding limitation, if the appeal is filed within three weeks from today. The appellate authority is directed to decide the stay application within two months from the date of its filing.

(Jasbir Singh)
Judge

September 15, 2006 **(Pritam Pal)**
gk **Judge**